

ALVERSON, TAYLOR, MORTENSEN & SANDERS  
LAWYERS  
ST CHARLESTON BOULEVARD  
LAS VEGAS, NEVADA 89101-1401  
TEL: 702-384-7000

NATHAN R. REINMILLER, ESQ.  
Nevada Bar No. 6793  
ALVERSON, TAYLOR,  
MORTENSEN & SANDERS  
7401 W. Charleston Boulevard  
Las Vegas, NV 89117  
Tel: (702) 384-7000  
Fax: (702) 385-7000  
Attorney for Defendants  
PATRICIA L. HOUGH, M.D.;  
DAVID L. FREDRICK; and  
ASSOCIATION OF AMERICAN  
INTERNATIONAL MEDICAL  
GRADUATES, INC.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ST. MATTHEW'S UNIVERSITY  
(CAYMAN) LTD., a Cayman Islands  
company,

Plaintiff,

v.

SABA UNIVERSITY SCHOOL OF  
MEDICINE FOUNDATION, a Netherland-  
Antilles company; MEDICAL  
UNIVERSITY OF THE AMERICAS, a St.  
Kitts & Nevis company; EDUCATION  
INFORMATION CONSULTANTS, INC., a  
Massachusetts corporation; EDUCATIONAL  
INTERNATIONAL CONSULTANTS, LLC,  
a Massachusetts limited liability company;  
PATRICIA L. HOUGH, M.D., an individual,  
and d.b.a. "Saba University School of  
Medicine"; DAVID L. FREDRICK, an  
individual; PANKAJ DESAI, M.D., an  
individual; ASSOCIATION OF AMERICAN  
INTERNATIONAL MEDICAL  
GRADUATES, INC., a Nevada corporation,  
a.k.a. "aimgrg@hotmail.com"; THOMAS  
MOORE, M.D. a.k.a.  
"pressingm@hotmail.com" and  
"proch2004@netzero.net"; an individual;  
SARAH B. WEINSTEIN a.k.a.  
"pressingm@hotmail.com" an individual;  
RACHAEL E. SILVER, an individual; and  
DIEDRE MOORE, an individual,

Defendants.

Case No.: CV-S-05-0848 RCL (LRL)

**REPLY OF PATRICIA L. HOUGH AND  
THE ASSOCIATION OF AMERICAN  
INTERNATIONAL MEDICAL  
GRADUATES TO PLAINTIFF'S  
OPPOSITION TO DEFENDANT DAVID  
L. FREDRICK'S MOTION TO DISMISS  
PLAINTIFF'S AMENDED COMPLAINT**

**REPLY OF PATRICIA L. HOUGH AND THE ASSOCIATION OF AMERICAN  
INTERNATIONAL MEDICAL GRADUATES TO PLAINTIFF'S OPPOSITION TO  
DEFENDANT DAVID L. FREDRICK'S MOTION TO DISMISS  
PLAINTIFF'S AMENDED COMPLAINT**

Defendants Patricia L. Hough ("Hough") and the Association of American International Medical Graduates ("AAIMG") file this Memorandum in Reply to the Consolidated Opposition to Fredrick's Motion to Dismiss Plaintiff's Amended Complaint filed by Plaintiff St. Matthew's University ("SMU").

**I. SUMMARY OF ARGUMENT.**

SMU's Opposition fails to establish its right to pursue its Second and Third Claim under the Lanham Act. As a foreign entity, SMU may only pursue a claim under the Lanham Act if it has such rights under a convention or treaty relating to unfair competition. Section 44 of the Lanham Act codifies Congress' determination that there is no reason for the United States to afford a citizen of a foreign country such rights if citizens of the United States are not accorded such rights by a treaty with that foreign country. SMU's Amended Complaint fails to allege and SMU has failed to put forward any such treaty, and for these reasons its Second and Third Claims must be dismissed.

SMU's Fifth Claim fails to state a claim for relief under the Nevada Deceptive Trade Practice Act because the Amended Complaint fails to allege any deceptive acts causing damage in Nevada or to its residents and may not be constitutionally construed to reach conduct and damages occurring outside of Nevada.

Similarly, SMU's Sixth Claim must be dismissed because it fails to allege that SMU has standing under the California Computer Crimes Act or that it has suffered any loss in California or elsewhere as a result of any conduct prohibited by that statute.

H. **PLAINTIFF'S CLAIMS MUST BE DISMISSED PURSUANT TO  
FED.R.CIV.P. 12(B)(3) BECAUSE VENUE DOES NOT LIE IN THE  
DISTRICT OF NEVADA.**

SMU claims that venue is appropriate because Nevada claimed to be "a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred" and Nevada is claimed to be the only district in the United States where venue would be appropriate at the time this action was filed. (Consolidated Opposition To Defendant David L. Fredrick's Motion to Dismiss ("SMU Opp.") at 11.) SMU's position is inaccurate in both respects. The Amended Complaint alleges one act that occurred in the State of Nevada - the formation of AAIMG. The Amended Complaint does not claim that any of the statements on the AAIMG website or made in the AAIMG emails which are claimed to have caused SMU injury have anything to do with Nevada. Rather, it alleges that the offending website was housed in Russia (Amended Complaint, ¶6) and that the offending emails emanated from servers housed in California. (Amended Complaint, p.15 n.7.) Thus, the Amended Complaint, on its face, makes it abundantly clear that Nevada is not "a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred." 28 U.S.C. 1391(b)(2).

In Myers v. Bennett Law Offices, 238 F.3d 1068 (9<sup>th</sup> Cir. 2001), the Ninth Circuit recognized that, in construing 28 U.S.C. 1391(b)(2), the "substantiality of the operative events is determined by assessment of the ramifications for efficient conduct of the suit," Myers v. Bennett Law Offices, 238 F.3d at 1075 (quoting Lamont v. Haig, 590 F.2d 1124, 1134-35 (D.C. Cir. 1978)), and that in a tort action it is relevant to look to the place at which the harms were allegedly suffered by the Plaintiff in determining where a substantial part of the events giving rise to the claim occurred. *Id.* at 1076. Based upon SMU's theory of the case, the only place in the United States where SMU would have suffered damages from this tortious conduct would be in connection with its student programs in Maine. (See Exhibit A, attached to Affidavit of

Vincent F. O'Rourke, Jr.) Moreover, it would be far more judicially efficient to venue this action in either Maine, where SMU theoretically has suffered its damages, or Massachusetts, where SMU now claims many operative activities occurred. Both of these jurisdictions would be far more efficient from the point of view of witnesses and documentary evidence than Nevada, which has little or no contact with the action, the witnesses or the damages alleged. See Core-Vent Corp. v. Nobel Industries AB, 11 F.3d 1482, 1486 (9 Cir. 1993) (No personal jurisdiction in California over enterprise with worldwide market and no activities directed at California or its residents.)

**III. THIS COURT MUST DISMISS COUNTS II AND III OF PLAINTIFF'S AMENDED COMPLAINT BECAUSE PLAINTIFF, AS A FOREIGN NATIONAL, COULD ONLY BRING A LANHAM ACT CLAIM UNDER 15 U.S.C. § 1126, WHICH IT ADMITTEDLY HAS NOT DONE.**

SMU is a foreign national, incorporated in the Cayman Islands. (Amended Complaint, ¶ 3a.) Contrary to SMU's contention, SMU may only proceed under Section 1126 (b) and (h) of the Lanham Act, pursuant to which Congress provided a cause of action for foreign nationals. Sections 1126 (b) and (h) extend the protections and remedies of the Lanham Act for unfair competition only to a foreign national whose "country of origin is a party to any convention or treaty relating to ... unfair competition, to which the United States is also a party, or extends reciprocal rights to nationals of the United States by law." 15 U.S.C. § 1126 (b); In Larsen v. Terk Technologies Corp., 151 F.3d 140, 145-46 (4<sup>th</sup> Cir. 1998), the United States Court of Appeals for the Fourth Circuit ruled that Section 44 of the Lanham Act, 15 U.S.C. § 1126:

extends the protections and remedies of the Lanham Act to any foreign national whose 'country of origin is a party to any convention or treaty relating to

15 U.S.C. § 1126, also referenced as Section 44 of the Lanham Act, provides that "[a]ny person whose country of origin is a party to the convention ... shall be entitled to benefits [under § 1126] to the extent necessary to give effect to any provision of such convention ..." 15 U.S.C. § 1126(6). I. 15 U.S.C. § 1126(h) provides that any person covered by § 1126(b) "shall be entitled to effective protection against unfair competition, and the remedies ... shall be available so far as they may be appropriate in redressing acts of unfair competition."

1 trademarks, trade or commercial names, or the repression of unfair competition,  
 2 to which the United States is also a party, or extends reciprocal rights to nationals  
 3 of the United States by law." 15 U.S.C. § 1126(b), (g), (h). Larsen is entitled to  
 4 the protections and remedies of the Lanham Act because Denmark and the United  
 5 States are both parties to the International Convention for the Protection of  
 6 Industrial Property of 1883 (the Paris Convention), *opened for signature* Mar. 20,  
 1883, 25 Stat. 1372, T.S. No. 379, as amended at Stockholm, July 14, 1967, 21  
U.S.T. 1583, T.I.A.S. No. 6923. See 4 J. Thomas McCarthy, McCarthy on  
Trademarks and Unfair Competition 29:21, at 29-46, 29-49 (4th ed. 1998).

7 See also Scotch Whiskey Ass'n v. Majestic Distilling Co., 958 F.2d 594, 597 ( Cir.

8 1992)(Section 1126(b) of the Lanham Act gives those persons whose country of origin is a party  
 9 to a treaty relating to unfair competition those benefits of Section 1126 necessary to give effect  
 10 to the Treaty).

11 15 U.S.C. § 1126(h) is intended to provide Lanham Act protection only to a foreign  
 12 national whose country of origin is party to any convention or treaty relating to the repression of  
 13 unfair competition and who meets the other requirements set forth in section 1126(b). Larsen,  
 14 151 F.3d at 145-46; Pagliero v. Wallace China Co., 198 F.2d 339 (9<sup>th</sup> Cir. 1952); Stauffer v.  
 15 Exley, 184 F.2d 962 (9<sup>th</sup> Cir. 1950). After analyzing the legislative history of Section 1126, the  
 16 United States Court of Appeals for the Third Circuit concluded that the statute clearly limited  
 17 the circumstances under which a foreign national could bring a Lanham Act claim: "[T]here  
 18 [would be] no need for such a limited declaration of jurisdiction over unfair competition [claims  
 19 by foreign nationals] if the Lanham Act had covered ... countless other [situations] in a much  
 20 broader grant of jurisdiction over all unfair competition in commerce." L'Aiglon Apparel v.  
 21 Lana Lobel, Inc., 214 F.2d 649, 654 (3<sup>rd</sup> Cir. 1954).<sup>2</sup>

22 Although SMU is a foreign national, SMU acknowledges that it has not alleged a cause  
 23 of action under 15 U.S.C. §§ 1126(b) and (h). "Importantly, nowhere has the Plaintiff alleged  
 24

25  
 26  
 27  
 28 The legislative history of the Lanham Act is set out in detail in L'Aiglon Apparel v. Lana Lobel  
Inc., 214 F.2d 649, 654 (3<sup>rd</sup> Cir. 1954).

any cause of action under 15 U.S.C. § 1126 as Defendants state and argue in their Motions." (SMU's Opp. at 16.) Under the law, SMU's only potential cause of action under the Lanham Act is under Section 1126.

Having admitted it did not file an action under 15 U.S.C. § 1126, SMU attempts to avoid dismissal by arguing that a foreign national can bring a Lanham Act claim under Section 1125 because, by its terms, "any person" can bring an action under that statute. (SMU Opp. at 13.) This argument, however, ignores the definition of "person" set forth in 15 U.S.C. § 1127, which does not include foreign nationals:

The term "person" and any other word or term used to designate the applicant or other entitled to a benefit or privilege or rendered liable under the provisions of this Act includes a juristic person as well as a natural person. The term "juristic person" includes a firm, corporation, union, association, or other organization capable of suing or being sued in a court of law. (Emphasis added.)

The definition of person makes clear that it includes only those "entitled to a benefit or privilege" under the Act. This definition, therefore, must be read in conjunction with Section 1126 which specifically provides the extent to which a foreign national can bring an action under the Lanham Act. As a matter of statutory construction, a foreign national is not a "person" for purposes of Section 1125, as defined in Section 1127, because a foreign national, such as SMU, can bring an action for unfair competition only in accord with the provisions of Section 1126(b) and (h).<sup>3</sup>

Finally, SMU inaccurately contends that courts have uniformly held that foreign nationals can bring actions under Section 1125. (SMU Opp. at 14.) The cases relied upon by SMU do not support its position.

SMU also argues that pursuant to 15 U.S.C. § 1121(a) the district courts have original jurisdiction over causes of action under the Lanham Act regardless of the citizenship of the parties, and, therefore, this establishes that a foreign national can bring an action. This argument lacks merit because this statute merely establishes that a claim under the Lanham Act can be brought in federal district court, if properly pled, based on federal question jurisdiction, regardless of diversity of citizenship. This statute does not expand the substantive scope of the causes of action under the Lanham Act and does not provide SMU with a cause of action.

SMU first cites the case of Noone v. Banner Talent Associates, Inc., 398 F.Supp. 260 (S.D.N.Y. 1975), in which the court did not ultimately decide this issue. In response to plaintiff's argument that he could bring an action under Section 43(a)[15 U.S.C. § 1125(a)], the defendant argued that the action had to be brought, if at all, under Section 44(b)[15 U.S.C. § 1126(b)]. The District Court avoided ruling on the issue, reasoning: "that although plaintiff frames his claim for relief pursuant to Section 43(a), I would find that the facts would clearly support a claim for relief pursuant to Section 44(b)." 398 F. Supp. at 262 (Emphasis added.)

SMU next cites the case of L'Aiglon Apparel, supra, 214 F.2d 649, which in fact supports the Defendants' argument. The L'Aiglon Court addressed in detail the legislative history of Section 1126 and correctly concluded that Section 1126 expressly limits the claims that can be made by a foreign national. 214 F.2d at 654. Indeed, as the Court stated, Section 1126 would not exist if Congress intended to give foreign nationals a plenary right to sue under the Lanham Act. W. L'Aiglon did not and could not hold that a foreign national can sue under Section 1125, as in that case both the Plaintiff and Defendant were both citizens of the United States. Id.

SMU then cites Scotch Whiskey Ass'n v. Barton Distilling Co., 338 F.Supp. 595 (N.D. Ill. 1971), which also does not support SMU. Though ruling that the Plaintiff therein could bring an action under Section 1125(a), the Court did so without any analysis and appears to have avoided ruling on the effect of Section 1126 because it also found that Plaintiff stated a claim under that statute and asserted jurisdiction under Section 1126. The Court held, among other things:

4. This court has jurisdiction of plaintiffs' claim under the Convention of Paris for the Protection of Industrial Property, as implemented by 15 U.S.C. 1126(b), since plaintiffs' claim arises under the Trademark Laws, with jurisdiction being conferred by 15 U.S.C. 1121 and 28 U.S.C. 1338(a).

5. The court has jurisdiction of plaintiffs' claim under the Convention of Paris for the Protection of Industrial Property, since plaintiffs' claim arises under a treaty of the United



1 States and the value of the matter in controversy is in excess of \$10,000, exclusive of interest  
2 and costs, with jurisdiction being conferred by 28 U.S.C. 1331.

3 The Scotch Whiskey Court failed to address, much less resolve, the issue of whether SMU is limited  
4 to an action under Section 1126, or whether, as claimed by SMU, it can bring an action under  
5 Section 1125.

6 SMU's reliance on Spartan Chemical Co. v. ATM Enterprises of America, (Exhibit F to  
7 SMU Opp.), is also misplaced. While that Court stated that a foreign national could bring an action  
8 under Section 1125, the Court's sole reliance for that proposition was Noone, supra. As discussed  
9 above, the Noone Court avoided addressing the issue presented here because the Court found that  
10 Noone had stated a claim under Section 1126(b). Moreover, there is no indication that the defendant  
11 in Spartan Chemical raised the issue of the limitations on foreign nationals established by Section  
12 1126(b) and the Spartan Chemical Court did not address that issue.

13 None of the remaining cases cited by SMU ever mentioned, let alone addressed, Section  
14 1126, and the limitations imposed by that statute on actions brought by foreign nationals.  
15 Johnson & Johnson v. Carter-Wallace, 631 F.2d 186 (2d Cir. 1980); West Indian Sea Island  
16 Cotton Ass'n Inc. v. Threadtex, Inc., 761 F.Supp. 1041 (S.D.N.Y. 1991); Menendez v. Faber,  
17 Coe, & Gregg Inc., 345 F.Supp. 527 (S.D.N.Y. 1972).

18  
19  
20  
21 **IV. SMU'S FIFTH CLAIM FAILS TO STATE A CLAIM FOR RELIEF**  
22 **BECAUSE IT FAILS TO ALLEGE ANY CONDUCT IN NEVADA**  
23 **CAUSING DAMAGE TO SMU IN NEVADA OR ANY DAMAGE**  
24 **TO SMU OCCURRING IN NEVADA.**

25 SMU's Amended Complaint alleges that Defendants violated the Nevada Deceptive Trade  
26 Practice Act, NRS 598.0915 (3) (5) (7) (15). Even assuming, as SMU contends, that it is  
27 appropriate to bring that claim under those provisions rather than under NRS 41.600<sup>4</sup>, SMU's

28 <sup>4</sup> But see Nevada Power Co. v. Eighth Judicial Dist. Court of Nevada, 102 P.3d 578, 583  
n.7 ("NRS Chapter 598 generally provides for a public cause of action for deceptive trade practices.  
NRS 41.600 ... provides for a private cause of action.")



claim must be dismissed because SMU's Amended Complaint fails to allege that any conduct that caused damage to SMU occurred within the State of Nevada or that any resident of the State of Nevada was injured by the conduct alleged in the Amended Complaint. The Amended Complaint simply alleges that Defendant AAIMG was incorporated in the State of Nevada. All other conduct alleged occurred outside of Nevada, including that the AAIMG website is hosted in Russia and that it is serviced from servers in California. No damage is alleged to have occurred in Nevada. If SMU suffered any damage at all it did so at its operations in Maine and in the Cayman Islands.

The State of Nevada is not a national ombudsman. It may enact laws that regulate conduct that impacts its residents, but "cannot impose punitive sanctions for conduct that affected other states but had no impact on the ... state or its residents." White v. Ford Motor Co., 312 F.3d 998, 1016 at n.68 and 1018-1020 (9<sup>th</sup> Cir. 2003).

SMU mistakenly argues that the principles of White v. Ford Motor Co., supra, apply only to a state's power to impose punitive damages on extraterritorial conduct. There is simply no basis on which a state may declare unlawful and subject to damages conduct occurring in another state which has no impact on it or its citizens. To permit such legislation would interfere with the sovereign right of one state to control conduct and economic activities within its borders. See BMW of North America, Inc. v. Gore, 517 U.S. 559, 570 -572 (1996). It is axiomatic that "[n]o State can legislate except with reference to its own jurisdiction....Each State....is independent of all others in this particular." Id. at 571 (quoting Bonaparte v. Appeal Tax Court of Baltimore, 104 U.S. 592, 594 (1881)). Based on this long-established principle, the BMW Court "imposed a territorial limitation on punitive damages in the interest of federalism. This federalism includes the flexibility for a state to have whatever policy it chooses within

1 constitutional and congressional limits. For that flexibility to exist, no state can be permitted to  
 2 impose its policies on other states." White v. Ford Motor Co., 312 F.2d at 1014.

3 Although BMW and White addressed punitive damages, the rationale of each of those  
 4 decisions makes it clear that it would be unconstitutional for Nevada to enact a statute which  
 5 prohibits conduct which does not occur within its borders and causes no damage within its  
 6 borders. For the foregoing reasons the Nevada Deceptive Trade Practice Act should not be  
 7 construed to apply to this action and SMU's Fifth Claim should be dismissed in its entirety.

8  
 9 **V. SMU'S SIXTH CLAIM MUST ALSO BE DISMISSED FOR**  
 10 **FAILURE TO ALLEGE A CLAIM FOR RELIEF UNDER THE**  
 11 **CALIFORNIA COMPUTER CRIMES ACT.**

12 SMU maintains that it has properly pled a cause of action under the California Computer  
 13 Crimes Act ("CCCA") which provides a "civil remedy [for] the owner or lessee of the computer,  
 14 computer system, computer network, computer program or data who suffers damage or loss by  
 15 reason of a violation of any of the provisions of subdivision (c)" of Section 502 of the CCCA.  
 16 However, SMU's Amended Complaint fails to establish that it has standing under this provision  
 17 because it fails to allege that it is an "owner or lessee of [a] computer, computer system,  
 18 computer network, computer program or data who suffers damage or loss by reason of a  
 19 violation of any of the provisions of subdivision (c)" of Section 502 of the CCCA. Rather, the  
 20 complaint alleges that Defendants accessed computers owned by Yahoo and Hotmail, entities not  
 21 alleged to be affiliated with or represented by SMU. (Amended Complaint, p.15 n.7.)

22  
 23 The Amended Complaint also does not allege that "a loss was suffered by reason of a  
 24 violation of subdivision (c)" of Section 502. That section sets forth a variety of computer-related  
 25 crimes involving activities such as unauthorized access to computers or computer systems and  
 26

27 <sup>5</sup> SMU correctly notes that counsel for Defendant cited a since amended provision of the CCCA.  
 28 Counsel did so in reliance upon a statute maintained by the California Bay-Delta Authority, an agency of  
 the State of California, and apologizes to the Court for the error.

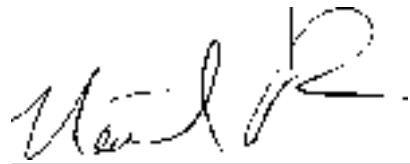
1 intentional damage or alteration of such systems. While, as SMU claims, California law may  
 2 recognize computer related causes of action other than under Section 502, those causes of action  
 3 are not alleged in SMU's Sixth Claim and it must be dismissed.  
 4

### 5 CONCLUSION

6 The Amended Complaint in this matter against Patricia L. Hough and the Association of  
 7 American International Medical Graduates should be dismissed because venue is improper with  
 8 respect to them and because the Amended Complaint fails to state claims upon which relief can be  
 9 granted in its Second, Third, Fifth and Sixth Claims and those Claims must be dismissed if this  
 10 Court retains jurisdiction over Patricia L. Hough and the Association of American International  
 11 Medical Graduates.  
 12

13 DATED this 4 day of March, 2006.

14 ALVERSON, TAYLOR,  
 15 MORTENSEN & SANDERS

16 

17  
 18 NATHAN R. REINMILLER, ESQ.  
 19 Nevada Bar No. 6793  
 20 7401 W. Charleston Boulevard  
 21 Las Vegas, NV 89117  
 22 Tel: (702) 384-7000  
 23 Fax: (702) 385-7000  
 24 Attorney for Defendants  
 25 PATRICIA L. HOUGH, M.D.;  
 26 DAVID L. FREDRICK; and  
 27 ASSOCIATION OF AMERICAN  
 28 INTERNATIONAL MEDICAL  
 GRADUATES, INC.

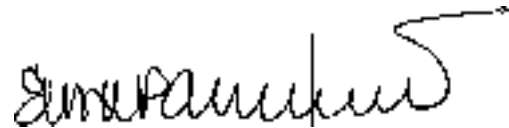
ALVERSON, TAYLOR, MORTENSEN & SANDERS  
 ATTORNEYS AT LAW  
 1000 W. CHARLESTON BOULEVARD  
 LAS VEGAS, NV 89117  
 TEL: (702) 384-7000  
 FAX: (702) 385-7000

CERTIFICATE OF MAILING

I hereby certify that on this 20 day of March, 2006, I did deposit in the United States Post Office, with postage fully prepaid thereon, a copy of the above and foregoing **REPLY OF PATRICIA L. HOUGH AND THE ASSOCIATION OF AMERICAN INTERNATIONAL MEDICAL GRADUATES TO PLAINTIFF'S OPPOSITION TO DEFENDANT DAVID L. FREDRICK'S MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT** to:

Mark G. Tratos, Esq.  
F. Christopher Austin, Esq.  
Ronald D. Green, Jr., Esq.  
GREENBERG TRAURIG LLP  
3773 Howard Hughes Pkwy., Ste. SOON  
Las Vegas, NV 89109  
Attorney for Plaintiff

Karl S. Kronenberger, Esq.  
Terri R. Hanley, Esq.  
KRONENBERGER & ASSOCIATES  
220 Montgomery St., Ste. 1920  
San Francisco, CA 94104  
Attorney for Plaintiff



An Employee of ALVERSION, TAYLOR,  
MORTENSEN & SANDERS

Notarized and filed with the court on 03/20/06 at the Las Vegas District Court, Nevada.

ALVERSION, TAYLOR, MORTENSEN & SANDERS  
LAWYERS  
2411 WEST CHARLESTON BOULEVARD  
LAS VEGAS, NEVADA 89115-1601  
(702) 734-2000

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ST. MATTHEW'S UNIVERSITY )  
(CAYMAN) LTD., a Cayman Islands company, )  
 )  
Plaintiff, )

Case No.: CV-S-05-0848-RCJ(LRL)

vs. )

SABA UNIVERSITY SCHOOL OF )  
MEDICINE FOUNDATION, a Netherland- )  
Antilles company; MEDICAL UNIVERSITY )  
OF THE AMERICAS, a St. Kitts & Nevis )  
company; EDUCATION INFORMATION )  
CONSULTANTS, INC., a Massachusetts )  
corporation; EDUCATIONAL INTERNATIONAL )  
CONSULTANTS, LLC, a Massachusetts )  
limited liability company; PATRICIA L. HOUGH, )  
M.D. an individual, and d.b.a. "Saba University )  
School of Medicine"; DAVID L. FREDRICK, an )  
individual; PANKAJ DESAI, M.D., an individual; )  
ASSOCIATION OF AMERICAN )  
INTERNATIONAL MEDICAL GRADUATES, )  
INC., a Nevada corporation, a.k.a. )  
"uamg@yahoo.com"; THOMAS MOORE, M.D. )  
a.k.a. "presuamg@hotmail.com" and )  
"uucddoc2004@netzero.net," an individual; )  
SARAH B. WEINSTEIN a.k.a. )  
"execsecuamg@hotmail.com," an individual; )  
RACHAEL E. SILVER, an individual; and )  
DIEDRE MOORE, an individual, )

Defendants. )

**AFFIDAVIT OF VINCENT F. O'ROURKE, JR.**

I, Vincent F. O'Rourke, Jr., being sworn under oath depose and state as follows:

1. I am an attorney licensed to practice in the Commonwealth of Massachusetts.
2. I represent the defendant Patricia L. Hough in this matter.

3. Attached hereto as Exhibit A are true and accurate copies of pages which appeared on the website of plaintiff, St. Matthew's University on March 10, 2006.

4. This attachment describes the Concurrent Degree Program maintained between St. Joseph's College of Maine and St. Matthew's University.

5. The fourth page of the attachment advises "You complete fourth and fifth semesters of your St. Matthew's MD program in Maine, a state known for its hospitality, recreation and breathtaking beauty during all four seasons. And you can easily have your family living with you while completing your coursework in Maine."

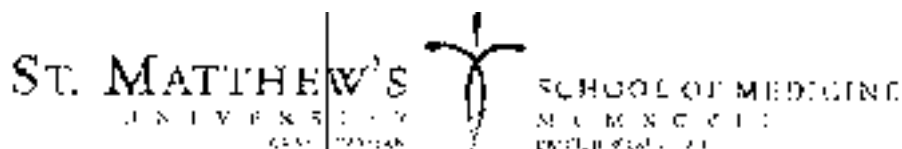
Signed under the pains and penalties of perjury this 16 day of March, 2006.



Vincent F. O'Rourke, Jr.

**EXHIBIT A**





[Home](#) | [Mission](#) | [Admissions](#) | [Curriculum](#) | [Financial Aid](#) | [Applications](#) | [Tuition & Fees](#) | [Forum](#) | [School of Veterinary Medicine](#)

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## Concurrent Degree Program

Page 1 of 1

### Saint Joseph's College of Maine

Through an affiliation with St. Joseph's College of Maine, St. Matthew's students can earn a Master of Science in Health Services Administration (MSHA) degree from SJC while they are completing the Doctor of Medicine (M.D.) degree with SMU.

The MSHA program is a wonderful complement to the medical degree. Training covers U.S. health care systems, organizational theory and behavior, health services administration, health care financial management, research methods, management information systems, ethical and legal perspectives, strategic management, health policy and politics, and three electives. Students who enroll in both programs gain invaluable skills to deal with managed health care in the United States.

Saint Joseph's College of Maine was founded by the Sisters of Mercy in 1912 and is accredited by the New England Association of Schools and Colleges. The 331-acre campus is 18 miles from Portland, Maine, on the shores of Sebago Lake. Information about Saint Joseph's College of Maine can be found at [www.sjcme.edu/sjcme](http://www.sjcme.edu/sjcme) or by contacting Ann L. Jalbert in the Saint Joseph's College, Division of Graduate and Professional Studies Admissions office:

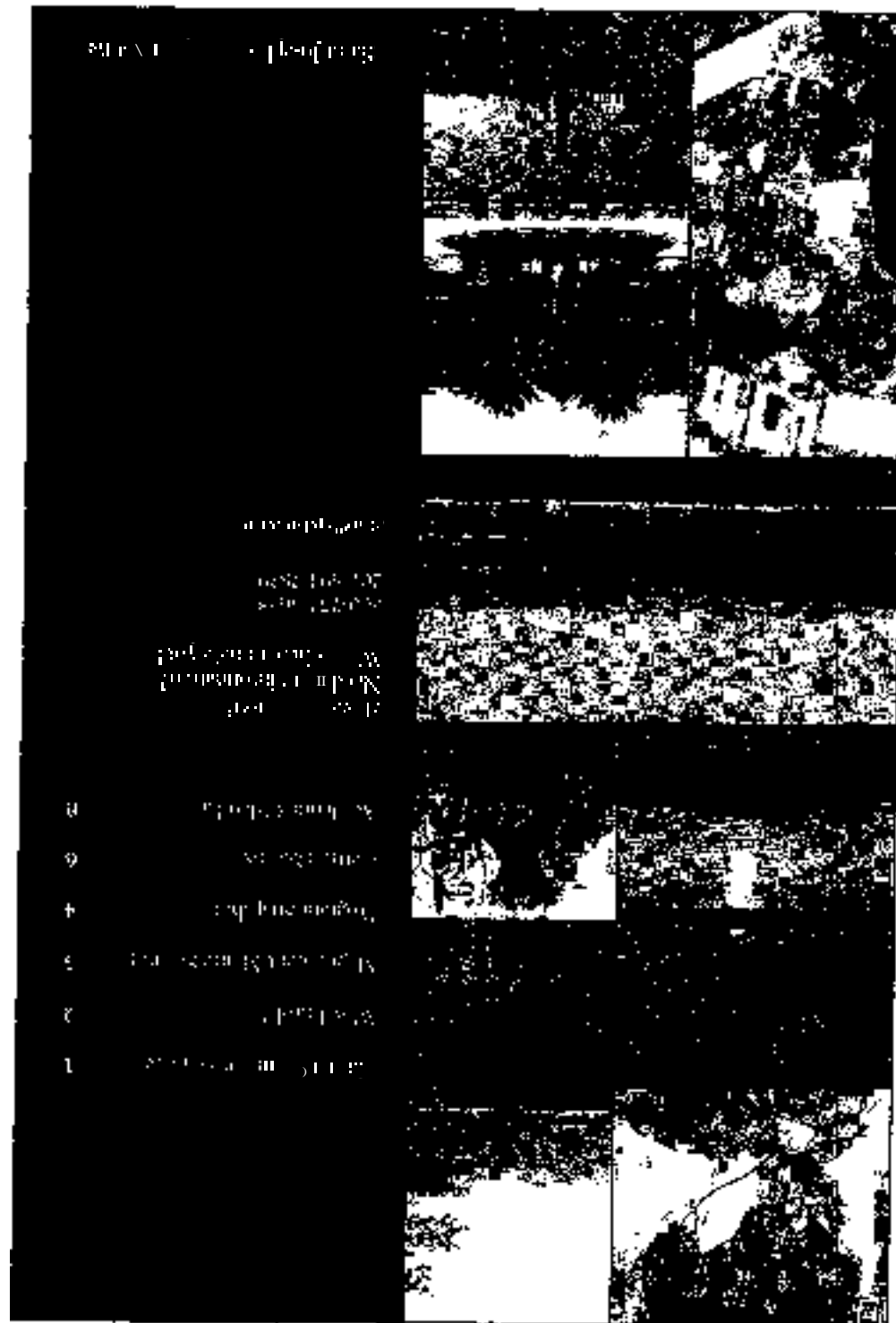
Telephone: 1-207-892-7761 or 1-800-752-4723 (US)

Fax: 1-207-892-7480

E-mail: [ajalbert@sjcme.edu](mailto:ajalbert@sjcme.edu)

[Click here](#) for more information on the Concurrent Degree Program.

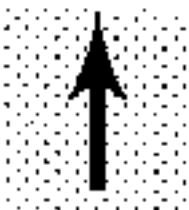


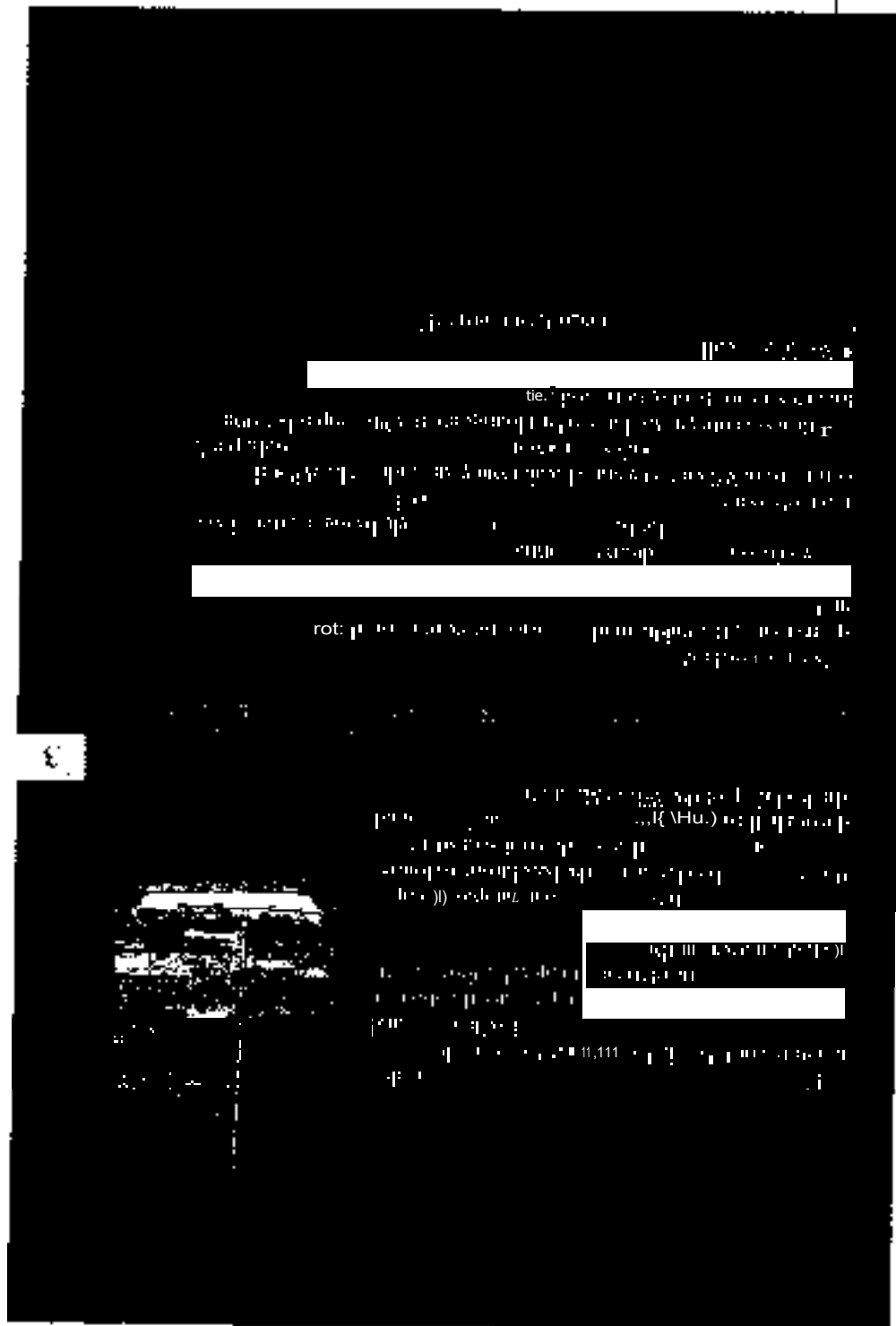




**Program Background**

- On 10/1/99, the FBI's New York Office (NYO) received information from a confidential source (CS) that the CS had been contacted by an individual who offered to provide information regarding the activities of the CS. The CS had been contacted by an individual who offered to provide information regarding the activities of the CS. The CS had been contacted by an individual who offered to provide information regarding the activities of the CS.
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#### Program requirements

- The program is available to all New York State residents who are currently unemployed and seeking employment. It is not available to those who have been convicted of a felony or who are currently incarcerated. The program can also be used by those who are currently on parole or probation. The program is available to all New York State residents who are currently unemployed and seeking employment. It is not available to those who have been convicted of a felony or who are currently incarcerated. The program can also be used by those who are currently on parole or probation.



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Notes: All participants will be required to attend a mandatory orientation session at the beginning of the program. All participants will be required to attend a mandatory orientation session at the beginning of the program. All participants will be required to attend a mandatory orientation session at the beginning of the program. All participants will be required to attend a mandatory orientation session at the beginning of the program.





The  $\mathbb{Z}_2$ -equivariant map  $\eta$  is defined by  $\eta(x) = x$  if  $x \in \mathbb{Z}_2$  and  $\eta(x) = 0$  if  $x \in \mathbb{Z}_2^*$ .

	1. 500-1000 Hz	2. 1000-2000 Hz
1. 1000-1500 Hz	0.000	0.000
2. 1500-2000 Hz	0.000	0.000
3. 2000-2500 Hz	0.000	0.000
4. 2500-3000 Hz	0.000	0.000
5. 3000-3500 Hz	0.000	0.000
6. 3500-4000 Hz	0.000	0.000
7. 4000-4500 Hz	0.000	0.000
8. 4500-5000 Hz	0.000	0.000
9. 5000-5500 Hz	0.000	0.000
10. 5500-6000 Hz	0.000	0.000
11. 6000-6500 Hz	0.000	0.000
12. 6500-7000 Hz	0.000	0.000
13. 7000-7500 Hz	0.000	0.000
14. 7500-8000 Hz	0.000	0.000
15. 8000-8500 Hz	0.000	0.000
16. 8500-9000 Hz	0.000	0.000
17. 9000-9500 Hz	0.000	0.000
18. 9500-10000 Hz	0.000	0.000
19. 10000-10500 Hz	0.000	0.000
20. 10500-11000 Hz	0.000	0.000
21. 11000-11500 Hz	0.000	0.000
22. 11500-12000 Hz	0.000	0.000
23. 12000-12500 Hz	0.000	0.000
24. 12500-13000 Hz	0.000	0.000
25. 13000-13500 Hz	0.000	0.000
26. 13500-14000 Hz	0.000	0.000
27. 14000-14500 Hz	0.000	0.000
28. 14500-15000 Hz	0.000	0.000
29. 15000-15500 Hz	0.000	0.000
30. 15500-16000 Hz	0.000	0.000
31. 16000-16500 Hz	0.000	0.000
32. 16500-17000 Hz	0.000	0.000
33. 17000-17500 Hz	0.000	0.000
34. 17500-18000 Hz	0.000	0.000
35. 18000-18500 Hz	0.000	0.000
36. 18500-19000 Hz	0.000	0.000
37. 19000-19500 Hz	0.000	0.000
38. 19500-20000 Hz	0.000	0.000
39. 20000-20500 Hz	0.000	0.000
40. 20500-21000 Hz	0.000	0.000
41. 21000-21500 Hz	0.000	0.000
42. 21500-22000 Hz	0.000	0.000
43. 22000-22500 Hz	0.000	0.000
44. 22500-23000 Hz	0.000	0.000
45. 23000-23500 Hz	0.000	0.000
46. 23500-24000 Hz	0.000	0.000
47. 24000-24500 Hz	0.000	0.000
48. 24500-25000 Hz	0.000	0.000
49. 25000-25500 Hz	0.000	0.000
50. 25500-26000 Hz	0.000	0.000
51. 26000-26500 Hz	0.000	0.000
52. 26500-27000 Hz	0.000	0.000
53. 27000-27500 Hz	0.000	0.000
54. 27500-28000 Hz	0.000	0.000
55. 28000-28500 Hz	0.000	0.000
56. 28500-29000 Hz	0.000	0.000
57. 29000-29500 Hz	0.000	0.000
58. 29500-30000 Hz	0.000	0.000
59. 30000-30500 Hz	0.000	0.000
60. 30500-31000 Hz	0.000	0.000
61. 31000-31500 Hz	0.000	0.000
62. 31500-32000 Hz	0.000	0.000
63. 32000-32500 Hz	0.000	0.000
64. 32500-33000 Hz	0.000	0.000
65. 33000-33500 Hz	0.000	0.000
66. 33500-34000 Hz	0.000	0.000
67. 34000-34500 Hz	0.000	0.000
68. 34500-35000 Hz	0.000	0.000
69. 35000-35500 Hz	0.000	0.000
70. 35500-36000 Hz	0.000	0.000
71. 36000-36500 Hz	0.000	0.000
72. 36500-37000 Hz	0.000	0.000
73. 37000-37500 Hz	0.000	0.000
74. 37500-38000 Hz	0.000	0.000
75. 38000-38500 Hz	0.000	0.000
76. 38500-39000 Hz	0.000	0.000
77. 39000-39500 Hz	0.000	0.000
78. 39500-40000 Hz	0.000	0.000
79. 40000-40500 Hz	0.000	0.000
80. 40500-41000 Hz	0.000	0.000

[illegible][illegible][illegible][illegible]





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